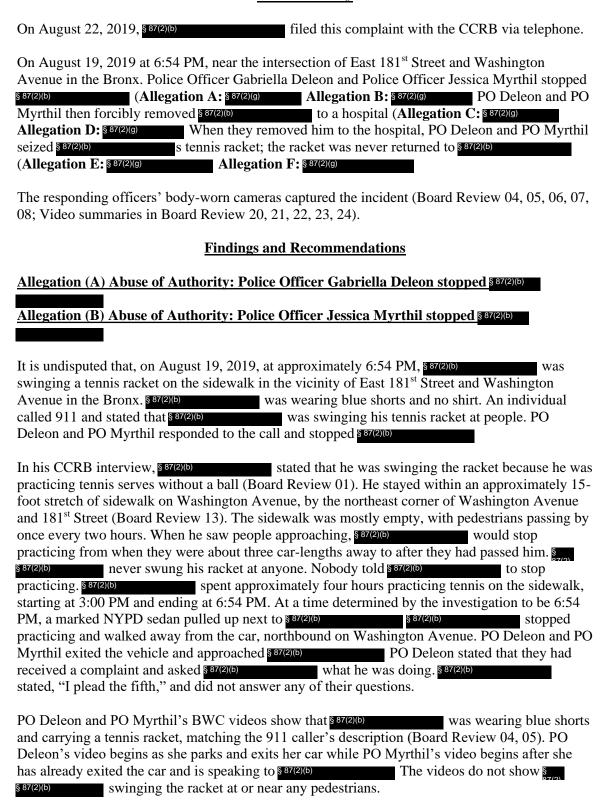
## CCRB INVESTIGATIVE RECOMMENDATION

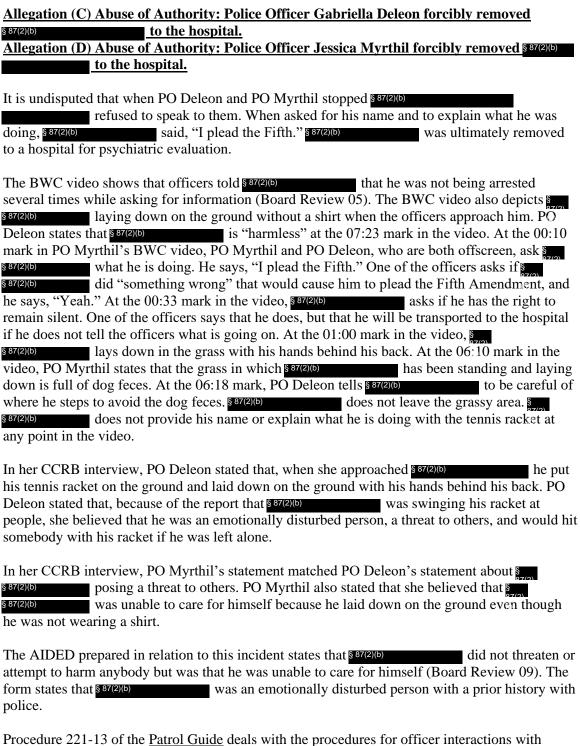
Investigator:		Team:	CCRB Case #:	Force	☐ Discourt.	U.S.
Sylvia Davidovicz		Squad #12	201907489	☑ Abuse	O.L.	☐ Injury
Incident Date(s)		Location of Incident:		Precinct:	18 Mo. SOL	EO SOL
Monday, 08/19/2019 6:54 PM		East 181st Street and W	Vashington Avenue	48	2/19/2021	10/6/2021
				<u> </u>		
Date/Time CV Reported		CV Reported At:	How CV Reported:		ne Received at CCI	KB
Thu, 08/22/2019 3:01 PM		CCRB	Phone	Thu, 08/2	22/2019 3:01 PM	
Complainant/Victim	Type	Home Addre	ess			
Subject Officer(s)	Shield	TaxID	Command			
1. POF Gabriella Deleon	17984	965494	GANG BX			
2. POF Jessica Myrthil	06109	964673	048 PCT			
Witness Officer(s)	Shield N	o Tax No	Cmd Name			
1. POM Kevin Mcspedon	24156	963158	048 PCT			
2. POM Taulant Gjonbalaj	23964	963046	048 PCT			
3. SGT Ayotunde Adeniyi	01246	934370	048 PCT			
Officer(s)	Allegatio	on		Inv	vestigator Recon	nmendation
A.POF Gabriella Deleon	Abuse: P	olice Officer Gabriella I	Deleon stopped § 87(2)	(b)		
B.POF Jessica Myrthil	Abuse: Police Officer Jessica Myrthil stopped §87(2)(b)					
C.POF Gabriella Deleon	Abuse: Police Officer Gabriella Deleon forcibly removed to the hospital.					
D.POF Jessica Myrthil	Abuse: Police Officer Jessica Myrthil forcibly removed to the hospital					
E.POF Gabriella Deleon	Abuse: P	olice Officer Gabriella I s property.	Deleon seized § 87(2)(b)	)		
F.POF Jessica Myrthil	Abuse: Police Officer Jessica Myrthil seized § 87(2)(b) s property.					

## **Case Summary**

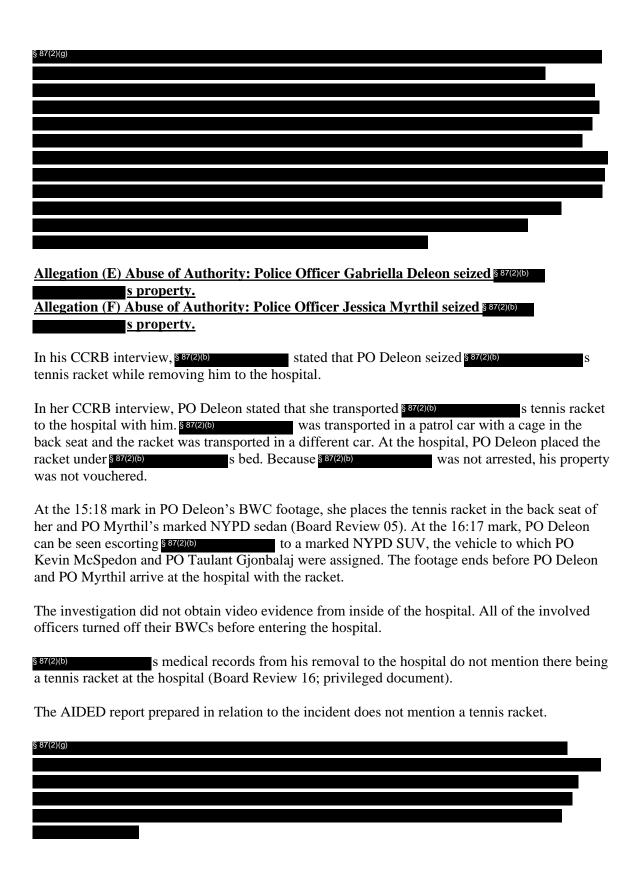


CCRB Case # 201907489

At 6:48 PM on the date of the incident, an unidentified individual made a 911 call regarding (Board Review 12, Board Review 14). The caller stated that an individual who appeared to be mentally ill was swinging a tennis racket near the intersection of 181 <sup>st</sup> Street and Washington Avenue. She stated that he was treating the racket as a weapon and trying to hit people. The caller described the individual as a black male with a heavy build wearing no shirt, blue pants, and one shoe.
In her CCRB interview, PO Deleon stated that, from her car, she saw between cars and trees, looking into car windows, and swinging a tennis racket when she arrived on the scene (Board Review 02). \$\frac{87(2)(5)}{2}\$ did not swing the racket directly at anyone, but people were keeping their distance to avoid him. PO Deleon recognized based on the 911 caller's description and because she had encountered him once before. During that encounter, \$\frac{87(2)(5)}{2}\$ was removed to the hospital as an emotionally disturbed person. \$\frac{87(2)(5)}{2}\$ stood behind a parked car and lifted the handle of his tennis racket. To PO Deleon, it looked like \$\frac{87(2)(5)}{2}\$ was about to try to break the car's window. When \$\frac{87(2)(5)}{2}\$ saw the officers, he ducked down behind the car. At this point, PO Deleon and PO Myrthil got out of the car, approached \$\frac{87(2)(5)}{2}\$ and asked what he was doing. PO Deleon stated that she and PO Myrthil stood around \$\frac{87(2)(5)}{2}\$ so that he could not leave easily.
PO Myrthil's statement to the CCRB was identical to that of PO Deleon except that she stated that she did not see \$87(2)(b) swinging his tennis racket near people or cars (Board Review 03).
According to section 212-11 of the <u>Patrol Guide</u> , a Level 3 stop is defined as "any encounter between a civilian and a uniformed member of the service in which a reasonable person would not feel free to disregard the officer and walk away" (Board Review 25). Officers must have "reasonable suspicion that the person has committed, is committing, or is about to commit a felony or Penal Law misdemeanor" in order to rightfully stop and detain them in this way. Once the person has been stopped, officers are directed to question the suspect and investigate whether an arrest is necessary.
§ 87(2)(g)
§ 87(2)(g)



Procedure 221-13 of the <u>Patrol Guide</u> deals with the procedures for officer interactions with emotionally disturbed persons (Board Review 18). An emotionally disturbed person is defined as "a person who appears to be mentally ill or temporarily deranged and is conducting himself in a manner which a police officer reasonably believes is likely to result in serious injury to himself or others." The procedure states that when a person is determined to be emotionally disturbed after officer assessment, officers may transport the individual to a hospital for psychiatric evaluation.



## **Civilian and Officer CCRB Histories**

- This is \$87(2)(b) s first CCRB complaint. In it, he has been named as a victim in six allegations (Board Review 17).
- PO Deleon has been a member-of-the service for two years and this is the first CCRB complaint to which she has been a subject.
- PO Myrthil has been a member-of-service for two years and has been the subject of two complaints and four allegations, none of which were substantiated. §87(2)(9)

## **Mediation, Civil and Criminal Histories**

- This case was unsuitable for mediation because \$87(2)(b) filed a civil suit.
- As of March 18, 2020, \$87(2)(b) is suing PO Deleon for \$22,230 and the return of his tennis racket. The suit was filed with the city on \$87(2)(b) (Board Review 10, Board Review 15).

	w 10, Board Review 15). [§§ 86(1)(3)&(4)] [§ 87(2)(c)]		
Squad No.:	12		
Investigator:	Sylvia Davidovicz	Inv. Sylvia Davidovicz	04/13/2020
investigator.	Signature	Print Title & Name	Date
Squad Leader:	_ <u>Carlmais Johnson</u> Signature		_ <u>April 13, 2020</u> Date
Reviewer:	Signature	Print Title & Name	Date